

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION No. 04CV10569JLT

KELLY HARMUTH,

Plaintiff,

v.

CONTINENTAL CASUALTY COMPANY,
CNA INSURANCE COMPANIES, &
SBLI GROUP DISABILITY PLAN,

Defendants.

JOINT MOTION TO ENLARGE BRIEFING SCHEDULE

Pursuant to Fed. R. Civ. P. 6(b) and Fed. R. Civ. P. 12(a), the parties to the above-mentioned matter, Plaintiff Kelly Harmuth and Defendants Continental Casualty Company, CNA Insurance Companies and SBLI Group Disability Plan (hereinafter collectively referred to as “Defendants”) jointly move to modify the pre-trial schedule established by the Court during the June 16, 2005 Scheduling Conference. Specifically, the parties request that the Court stay the impending summary judgment briefing for two months and refer this matter to the District Court Alternate Dispute Resolution Program for mediation.

As grounds for this motion, the parties state as follows:

- 1) The parties have agreed to mediation in an attempt to resolve this matter. Mediation of this matter will negate the need for costly briefing, if successful;

- 2) The parties have agreed to engage in a good faith attempt to resolve this matter;
- 3) All parties agree to this schedule; and
- 4) None of the parties will be prejudiced if the schedule is approved.

WHEREFORE, the parties request that this motion be granted.

Respectfully submitted,

By: /s/ Mala M. Rafik

Attorney for the Plaintiff
Mala M. Rafik
BBO No. 638075
ROSENFELD & RAFIK, P.C.
44 School Street, Suite 410
Boston, MA 02108
(617) 723-7470

By: /s/ Steven Bolotin (MMR)

Attorney for the Defendants
Steven J. Bolotin, Esq.
BBO No. 564085
Morrison Mahoney LLP
250 Summer
Boston, MA 02210
(617) 737-8878

Date: July 14, 2005